

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,

Plaintiff/Counterclaim Defendant,
v.

ARCHITECTURAL LIGHTING SYSTEMS, a
division of ARCH LIGHTING GROUP,

Defendant/Counterclaimant.

Civil Action No. 05-CV-10945 WGY

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S
MOTION TO ENFORCE SUPERSEDEAS BOND**

Defendant, Arch Lighting Group, Inc. (“ALS”), hereby opposes Plaintiff's Motion to Enforce Supersedeas Bond. Plaintiff, Genlyte Thomas Group LLC (“Genlyte”), has moved to collect the judgment from the supersedeas bond based upon the alleged failure of ALS to pay the judgment. However, as set forth in more detail below, ALS still has the opportunity to file a writ of certiorari to the U.S. Supreme Court regarding this case. Accordingly, enforcement of the judgment and the supersedeas bond is premature and Genlyte's motion should be denied.

As set forth in Genlyte's motion, a judgment in this case issued against ALS on February 5, 2007. ALS timely filed an appeal to Court of Appeals for the Federal Circuit. Pursuant to Fed. R. Civ. P. 62(d), ALS moved for a stay of the judgment pending appeal. In connection with its motion, ALS submitted the required supersedeas bond. ALS's motion was granted and the judgment of February 5, 2007 was stayed pending appeal.

The Court of Appeals for the Federal Circuit issued mandate affirming the District Court judgment on May 14, 2008. Pursuant to Supreme Court Rule 13, a petition for writ of certiorari must be filed within 90 days of the issuance of an order by the Court of Appeals. Thus, a petition for writ of certiorari is not due until August 12, 2008. ALS has not yet determined

whether or not it intends to file such a petition. However, if a petition is to be filed, then an ongoing stay of the judgment by the District Court would be appropriate in accordance with the existing supersedeas bond.

Therefore, the supersedeas bond should not be enforced until such time as the opportunity for filing of the petition for writ of certiorari has passed. Accordingly, Plaintiff's motion should be denied.

Respectfully submitted,

Dated: July 4, 2008

s/ Brett N. Dorny
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent by mail to those indicated as non-registered participants on July 4, 2008.

s/ Brett N. Dorny
Brett N. Dorny